

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

CATEGORICAL EXCLUSION

Rio Blanco County's Wetland Mitigation Site
DOI-BLM-CO-N05-2015-0057-CX

Identifying Information

Project Title: Rio Blanco County's Wetland Mitigation Site

Legal Description: Sixth Principal Meridian,
T. 1N., R. 97W., sec. 22, NW¼SE¼, Rio Blanco County, Colorado.

Applicant: Rio Blanco County Board of Commissioners

Casefile: COC77110-01

Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

Land Use Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP)

Date Approved: July 1997

Decision Language: "To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values." (page 2-49)

Proposed Action

Project Components and General Schedule

Rio Blanco County has been making improvements to County Road (CR) 5 to make the roadway safer and able to accommodate heavy equipment transport. As part of the ongoing improvements to CR 5, Rio Blanco County has been issued a grant to replace Stockpass 17 (COC74740) that included the enlargement of the permanent right-of-way in this area. The replacement of this stockpass will have impacts to waters of the United States and wetlands under the jurisdiction of the Army Corps of Engineers (Corps). A total of 0.284 acres will be impacted, included 0.11 acre of ephemeral drainage and 0.174 acre of wetland. The Corps is requiring that wetlands be created to offset the loss of wetland function resulting from these improvements.

Rio Blanco County is proposing to preform on-site wetland mitigation by creating approximately 0.37 acres of new wetland to the southwest of the existing wetland adjacent to CR 5. Coordination with the Corps is ongoing to acquire all necessary permits.

This new wetland would be created by grading the upland area to match the topography of the existing wetland. There would be a total of 0.54 acres of temporary disturbance, ending in the creation of 0.07 acre of wetland within the CR 5 ROW and 0.30 acre of wetland on adjacent BLM lands. The irregular shaped wetland would range from 136 to 338 feet long by 0 to 133 feet wide on the BLM lands and 136 to 239 feet long by 0 to 27 feet wide within the ROW. The newly created wetland would remain under BLM ownership. This new wetland area would be planted with saltgrass (*Distichlis spicata*) to match the composition of the adjacent wetland.

Construction would take place late summer 2015 into early 2016. Monitoring of the wetland is expected to take between three to five years to ensure successful establishment. A three year short term permit will authorize this construction and any modification to the wetland needed. If further modifications are needed, the County will work with the BLM to acquire appropriate authorizations.

Applicant Committed Design Features

Rio Blanco County agrees to rehabilitate an existing man-made ditch that is located just northeast of the wetland mitigation site to restore the natural condition of the existing wetland, and assist in the success of the mitigation.

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

Categorical Exclusion Review

The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E19: *Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.*

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical		X

Extraordinary Circumstance	YES	NO
Habitat for these species.		
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations.		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 5/12/2015. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	5/14/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	5/19/2015
Keith Sauter	Hydrologist	Surface Water and Riparian	6/16/2015
Matthew Dupire	Ecologist	Special Status Plant Species	7/21/2015
Keesha Cary	Realty Specialist	Project Lead	7/21/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	7/22/2015

Cultural Resources: The area of potential effect (APE) has previously been surveyed for cultural resources at the Class III intensity. No cultural resources were discovered because of this survey. As a result, the proposed action will not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.

Native American Religious Concerns: The Ute have a generalized concept of spiritual significance that is not easily transferred to Western models or definitions. As such, the BLM recognizes that the Ute have identified sites that are of concern because of their association with Ute occupation of the area as part of their traditional lands. No traditional cultural properties, unique natural resources, or properties of a type previously identified as being of interest to local tribes, were identified during the cultural resources inventory of the project area. The project would not limit access if such properties were not known to the agency. Consultation letters and contact was made with the Ute Indian Tribe of the Uintah and Ouray Reservation, the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe for this project. If additional information comes out in consultation, aspects of the project may be changed in response to tribal concerns.

Threatened and Endangered Wildlife Species: There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. There are no wildlife-related issues or concerns associated with the Proposed Action.

Threatened and Endangered Plant Species: Dudley Bluffs Twinpod, a federally threatened plant in the mustard family, is located within 137 meters of the proposed wetland mitigation project area. Previously, consultation for the Stock Pass 17 replacement project was completed and concurrence with a not likely adversely affect determination was received from United States Fish and Wildlife Service (FWS) on February 18, 2015. A revision to the initial consultation was completed for the wetland project and concurrence with a not likely to affect determination was received from FWS on July 10, 2015. All mitigation and conservation measures from the initial consultation will carry forward for the wetland mitigation project.

Mitigation

1. All mitigation from the initial Stock Pass 17 Consultation would be carried forward to this project.
2. RBC will appoint a qualified (trained and with botanical skills), Independent Third-Party Specialist (Specialist)¹ to provide project oversight related to the protection and conservation of the nearby threatened plant species habitat and assure compliance with the terms and conditions of the approval within a 100 meters of occupied plant habitat. The Specialist must be approved by the BLM prior to project work. The Specialist will be present during surface-disturbing operations within 100 meters of existing occupied plant habitat for Stock Pass 17 until reclamation is completed. Prior to the initiation of construction, pre-work meetings will be held between the BLM, RBC, and the Specialist to discuss required procedures associated with the stipulations of approval. Before construction occurs, the BLM Ecologist (or in the event the BLM cannot provide the training, a local qualified botanist can provide the training) will train the third-party Specialist in twinpod and bladderpod identification, habitat, and the conditions of this approval. The Specialist will train the construction crew/staff on the conservation measures specified in this consultation. The BLM may also help the Specialist with this training.
3. The following items will be completed by the Specialist within 100 meters of the occupied plant habitat:
 - a. During construction the trained Specialist will be on-site to ensure that construction impacts within 100 meters of suitable and occupied habitats are minimized to the extent possible, and that any newly established/previously unidentified twinpod plants are protected or recorded if they are in the area of disturbance.
 - b. The Specialist would assist and advise the placement of the construction barrier fence to best protect twinpod habitat outside the construction footprint (see Conservation Measure 33 below).

¹ Prior to and after contracted construction activities RBC will assume the tasks described by the term specialist as used in this section of mitigation. Specialist in mitigation numbers 2, 3, 5, and 7c will be specified as a pay item in the construction contractor's contract.

- c. The Specialist will monitor wind speeds during stock pass construction within 100 meters of occupied plant habitat. Construction within 100 meters of occupied plant habitat will not occur if winds speeds are sufficient to cause dust plumes. If RBC can apply water for dust abatement and further construction does not generate dust plumes, construction may continue with the Specialist's continued oversight. If visible dust plumes are noted, the Specialist will inform appropriate project personnel to curtail activities until water can be applied and dust abatement is achieved or conditions otherwise change. Any evidence of dust deposition onto occupied habitat related to construction activities will be recorded by the Specialist. If significant dust deposition is documented, the BLM must be contacted and actions must be taken to remediate the impacts.
 - d. The Specialist will obtain photographic evidence (with date/time stamp) of construction activities to document compliance with Conditions of Approval.
 - e. BLM staff will be present when necessary to provide assistance and recommendations after construction begins. The Specialist will notify the BLM if their assistance is required in the field.
4. No human intrusion associated with this project is authorized outside of the authorized work areas.
5. The Specialist will help designate the authorized work areas within 100 meters of the occupied plant habitat and will monitor any violation of this measure. During construction and reclamation activities RBC will install construction barrier fence on the outer edge of disturbance within 100 meters of occupied plant habitat to identify the authorized work areas used by personnel. RBC will not locate any temporary work areas within 100 meters of the occupied plant habitat. All construction barriers will be maintained until the disturbance is stabilized. The Specialist will advise the placement of the construction barrier fence. A map will be prepared by the Specialist following the pre-construction surveys (Conservation Measure 35c).
6. Within authorized work areas, dust suppression and monitoring will occur within 100 meters of occupied plant habitat during construction. Dust suppression will be accomplished only with fresh water free of any chemicals, oils, or solvents within 100 meters of occupied habitat.

Weed Conservation Measures

7. BLM will require compliance with the following stipulations to lessen the potential impact from noxious and invasive plant species. Unless otherwise noted, these measures will be implemented by the RBC Weed Department as part of routine activities and not specific to Stock Pass 17.
- a. Construction equipment will be washed prior to entering the project area by the contractor. Additionally, when construction activities encounter a noxious weed infestation, equipment should be washed before proceeding (to avoid spreading the weeds) beyond the immediate area.
 - b. Prior to construction, in early spring 2015, the RBC Weed Department will treat the infestation of Russian thistle and cheatgrass within the 100 meter buffer of occupied

habitat. RBC Weed Department will continue to treat the infestation annually until it has been eradicated.

- c. Conduct pre-and post-work weed surveys and treat infestations to avoid spreading them during construction activities. Pre-work surveys will identify specific weed species to treat prior to construction, and the BLM must be consulted about method of removal, type of control methods, and types of herbicides (if used, see Table 1). Surveys and weed treatments will be completed before the project is started in the spring and after the project is completed in the fall to treat immediate post-construction infestations. The contractor will monitor and, in consultation with RBC, treat noxious/invasive weeds during surface disturbance activities and when seeding is complete. RBC Weed Department will continue to monitor for weeds until reclamation is complete.

Table 1. Herbicide Buffer Distances from Terrestrial Special Status Plant Species ¹

Active Ingredient	Buffer Width	Method(s) to Which Applied
2,4-D	0.5 mile	All
Bromacil	1,200 feet	All
Chlorsulfuron	1,200 feet	Ground
	1,500 feet	Aerial
Clopyralid	900 feet	Ground, typical rate
	0.5 mile	Ground, maximum rate; aerial
Dicamba	1,050 feet	Ground
Diflufenzopyr	100 feet	Low boom, typical rate
	500 feet	Low boom, maximum rate; high boom
	900 feet	Aerial
Diquat	900 feet	Ground, typical rate
	1,000 feet	Ground, maximum rate
	1,200 feet	Aerial
Diuron	1,100 feet	All
Fluridone	0.5 mile	All
Glyphosate	50 feet	Ground, typical rate
	300 feet	Ground, maximum rate; aerial
Hexazinone	300 feet	Ground, typical rate
	900 feet	Ground, maximum rate
Imazapic	25 feet	Ground, typical or maximum rates
	300 feet	Aerial, typical rate
	900 feet	Aerial, maximum rate
Imazapyr	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate
Metsulfuron Methyl	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate
Overdrive®	100 feet	Low boom, typical rate
	900 feet	Low boom, maximum rate; high boom
Picloram	0.5 mile	All

Table 1. Herbicide Buffer Distances from Terrestrial Special Status Plant Species ¹

Active Ingredient	Buffer Width	Method(s) to Which Applied
Sulfometuron Methyl	1,500 feet	All
Tebuthiuron	25 feet	Low boom, typical rate
	50 feet	Low boom, maximum rate; high boom, typical rate
	900 feet	High boom, maximum rate
Triclopyr	300 feet	Ground, typical rate
	500 feet	Aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate

¹ Source: BLM 2007a (Vegetation Treatments Using Herbicides on BLM lands in 17 Western States Programmatic EIS)

- d. Ensure that all hay, straw, and seed used for reclamation is certified free of noxious weeds.
- e. Treat weeds using BLM-approved methods along the right-of-way if weeds are detected. For weed treatments on BLM lands, Pesticide Use Proposals (PUPs) will be completed and approved by the WRFO. Pesticide Application Records (PARs) will be submitted to WRFO by October 31 every year weed treatments occur.
- f. If non-native or invasive species are found, RBC will be required to treat the infestations using the *White River Field Office Integrated Weed Management Plan (IWMP)* (DOI-BLM-CO-110-2010-0005-EA) as a compliance guideline. The individual plants and/or larger infestations will be recorded on a GPS unit to notify the BLM in addition to flagging, as stated in the IWMP.
 - i. Manual weed control will be the only treatment method used when weeds are within 50 meters of occupied or historically occupied twinpod populations.
 - ii. Small infestations will be controlled manually within 50 meters of occupied twinpod populations, when possible. Glyphosate and Imazapic can be used as spot treatment outside of 50 meters. No spraying of weeds will occur outside of the project area, on, or near occupied habitat.
 - iii. Weed spraying will not be permitted if winds speeds exceed 5 mph.
 - iv. Appropriate adjuvants, such as non-ionic surfactants or methylated seed oil (MSO), will be used with each herbicide.
 - v. Indicator dyes will be used with all herbicide.
 - vi. RBC must control weeds within the Stock Pass 17 project area after obtaining a Pesticide Use Proposal (PUP) and Certified Pesticide Applicator (CA). The CA, as directed by Rio Blanco County, must comply with the herbicide buffers in Table 7 of the IWMP, at the lowest rate needed, and always with an indicator dye, and appropriate spray adjuvant.
 - vii. The weed technicians working under the CA license must be able to correctly identify bladderpod and twinpod plants when they are implementing their control measures. The RBC Weed Department will ensure the weed technicians are trained in identification of the twinpod and bladderpod.
 - viii. Technicians will control weeds species before they flower and set seed.

- g. RBC must monitor the infestations within a month after herbicide treatments in case a second treatment is warranted within the same growing season. RBC must also track adjacent twinpod populations within a month of herbicide application to detect any potential adverse effects.
- h. If twinpod individuals are inadvertently sprayed, location information and number of individual plants affected will be recorded and communicated to the BLM Ecologist immediately. A cease and desist order will be issued and acceptable mitigation will be negotiated between FWS, BLM, and RBC.
- i. Visual monitoring of both infestations and adjacent twinpod plants will take place to determine spraying success and spraying accuracy.
- j. BLM will establish a photo point near the occupied habitat and monitor annual weeds in the vicinity of the twinpod plants annually. After 5 years, if the photo point shows a decrease in annual weeds by 50%, monitoring of the photo point will take place every other year. Infestations of annual weeds resulting from the replacement of Stock pass 17 will be treated by the RBC Weed Department as described above. Infestations of noxious/invasive weeds resulting from another activity or action will be addressed by BLM

Tribes, Individuals, Organizations, or Agencies Consulted

Consultation letters and contact was made with the Eastern Shoshone Tribe of the Wind River Reservation, Ute Indian Tribe of the Uintah and Ouray Reservation, the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe for this project. If additional information comes out in consultation, aspects of the project may be changed in response to tribal concerns.

Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E19. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.


Field Manager

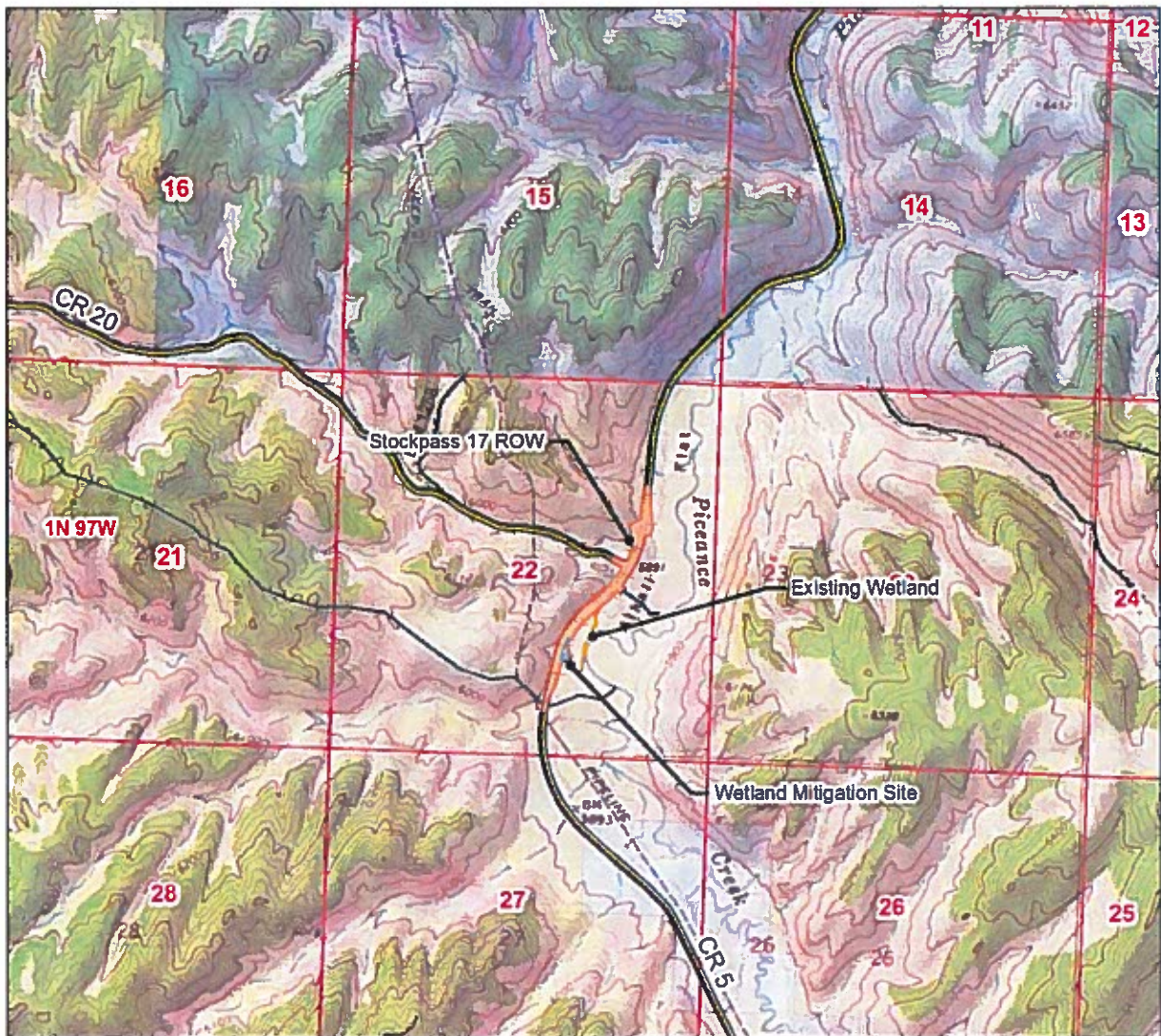
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Date

Appendix A. Figures

Exhibit A

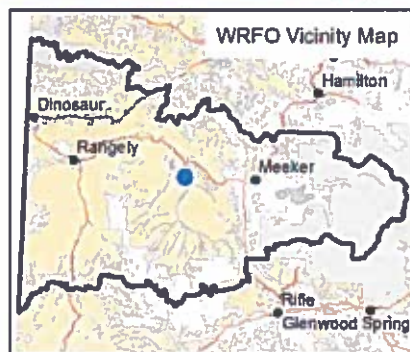
06/2015

Rio Blanco County
6TH PM, T. 1N., R. 97W., sec. 22, NWSE,
Rio Blanco County, Colorado.



Legend

- Proposed Wetland boundary
- Temporary Workspace (outside of ROW)
- ROW at SP 17
- Approximate Existing Wetland
- Sections Lines
- BLM
- CDW
- County
- USFS
- NPS
- PRI
- STA



0 900 1,800 3,600 Feet

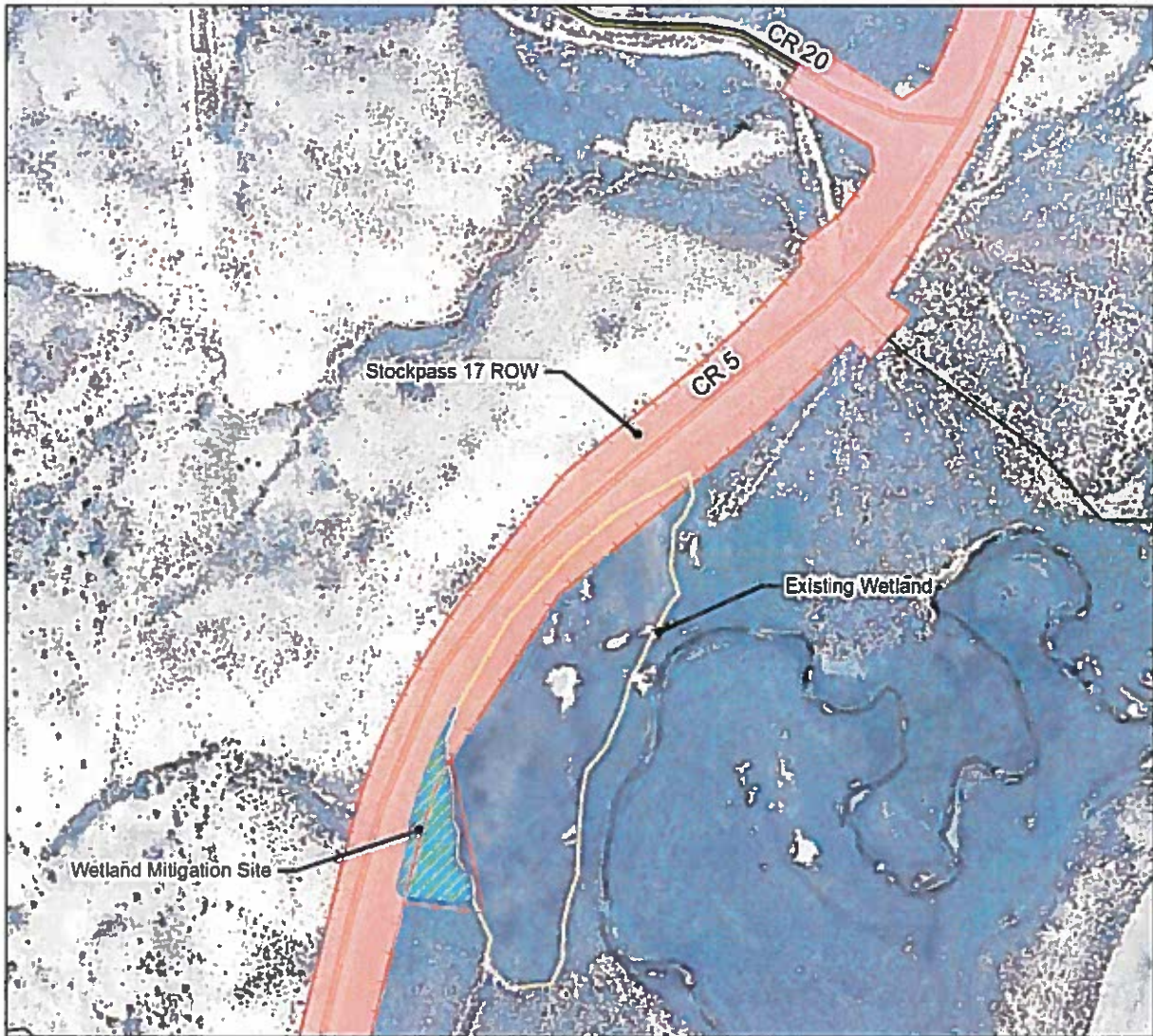
Sources
BLM, USGS, CDOH, etc.

Disclaimer:
Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.

Exhibit A

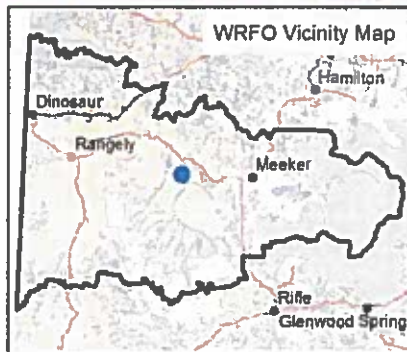
06/2015

Rio Blanco County
6TH PM, T. 1N., R. 97W., sec. 22, NWSE,
Rio Blanco County, Colorado.



Legend

- Temporary Workspace (outside of ROW)
- Proposed Wetland boundary
- Approximate Existing Wetland
- ROW at SP 17



0 115 230 460 Feet

Sources
BLM, USGS, CDOW, etc.

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220 E Market St
Meeker, CO 81641**

DECISION RECORD

Rio Blanco County's Wetland Mitigation Site DOI-BLM-CO-N05-2015-0057-CX

Decision

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0057-CX, authorizing the construction, operation, maintenance and termination of a temporary work area for the creation of a wetland, required as mitigation from improvements on Rio Blanco County Road 5.

Applicant Committed Design Features

Rio Blanco County agrees to rehabilitate an existing man-made ditch that is located just northeast of the wetland mitigation site to restore the natural condition of the existing wetland, and assist in the success of the mitigation.

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred

objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

Mitigation Measures

1. All mitigation from the initial Stock Pass 17 Consultation would be carried forward to this project.
2. RBC will appoint a qualified (trained and with botanical skills), Independent Third-Party Specialist (Specialist)² to provide project oversight related to the protection and conservation of the nearby threatened plant species habitat and assure compliance with the terms and conditions of the approval within a 100 meters of occupied plant habitat. The Specialist must be approved by the BLM prior to project work. The Specialist will be present during surface-disturbing operations within 100 meters of existing occupied plant habitat for Stock Pass 17 until reclamation is completed. Prior to the initiation of construction, pre-work meetings will be held between the BLM, RBC, and the Specialist to discuss required procedures associated with the stipulations of approval. Before construction occurs, the BLM Ecologist (or in the event the BLM cannot provide the training, a local qualified botanist can provide the training) will train the third-party Specialist in twinpod and bladderpod identification, habitat, and the conditions of this approval. The Specialist will train the construction crew/staff on the conservation measures specified in this consultation. The BLM may also help the Specialist with this training.
3. The following items will be completed by the Specialist within 100 meters of the occupied plant habitat:

² Prior to and after contracted construction activities RBC will assume the tasks described by the term specialist as used in the listed mitigation measures. Specialist in mitigation numbers 2, 3, 5, and 7c will be specified as a pay item in the construction contractor's contract.

- a. During construction the trained Specialist will be on-site to ensure that construction impacts within 100 meters of suitable and occupied habitats are minimized to the extent possible, and that any newly established/previously unidentified twinpod plants are protected or recorded if they are in the area of disturbance.
 - b. The Specialist would assist and advise the placement of the construction barrier fence to best protect twinpod habitat outside the construction footprint (see Conservation Measure 33 below).
 - c. The Specialist will monitor wind speeds during stock pass construction within 100 meters of occupied plant habitat. Construction within 100 meters of occupied plant habitat will not occur if wind speeds are sufficient to cause dust plumes. If RBC can apply water for dust abatement and further construction does not generate dust plumes, construction may continue with the Specialist's continued oversight. If visible dust plumes are noted, the Specialist will inform appropriate project personnel to curtail activities until water can be applied and dust abatement is achieved or conditions otherwise change. Any evidence of dust deposition onto occupied habitat related to construction activities will be recorded by the Specialist. If significant dust deposition is documented, the BLM must be contacted and actions must be taken to remediate the impacts.
 - d. The Specialist will obtain photographic evidence (with date/time stamp) of construction activities to document compliance with Conditions of Approval.
 - e. BLM staff will be present when necessary to provide assistance and recommendations after construction begins. The Specialist will notify the BLM if their assistance is required in the field.
4. No human intrusion associated with this project is authorized outside of the authorized work areas.
 5. The Specialist will help designate the authorized work areas within 100 meters of the occupied plant habitat and will monitor any violation of this measure. During construction and reclamation activities RBC will install construction barrier fence on the outer edge of disturbance within 100 meters of occupied plant habitat to identify the authorized work areas used by personnel. RBC will not locate any temporary work areas within 100 meters of the occupied plant habitat. All construction barriers will be maintained until the disturbance is stabilized. The Specialist will advise the placement of the construction barrier fence. A map will be prepared by the Specialist following the pre-construction surveys (Conservation Measure 35c).
 6. Within authorized work areas, dust suppression and monitoring will occur within 100 meters of occupied plant habitat during construction. Dust suppression will be accomplished only with fresh water free of any chemicals, oils, or solvents within 100 meters of occupied habitat.

Weed Conservation Measures

7. BLM will require compliance with the following stipulations to lessen the potential impact from noxious and invasive plant species. Unless otherwise noted, these measures will be implemented by the RBC Weed Department as part of routine activities and not specific to Stock Pass 17.

- a. Construction equipment will be washed prior to entering the project area by the contractor. Additionally, when construction activities encounter a noxious weed infestation, equipment should be washed before proceeding (to avoid spreading the weeds) beyond the immediate area.
- b. Prior to construction, in early spring 2015, the RBC Weed Department will treat the infestation of Russian thistle and cheatgrass within the 100 meter buffer of occupied habitat. RBC Weed Department will continue to treat the infestation annually until it has been eradicated.
- c. Conduct pre-and post-work weed surveys and treat infestations to avoid spreading them during construction activities. Pre-work surveys will identify specific weed species to treat prior to construction, and the BLM must be consulted about method of removal, type of control methods, and types of herbicides (if used, see Table 1). Surveys and weed treatments will be completed before the project is started in the spring and after the project is completed in the fall to treat immediate post-construction infestations. The contractor will monitor and, in consultation with RBC, treat noxious/invasive weeds during surface disturbance activities and when seeding is complete. RBC Weed Department will continue to monitor for weeds until reclamation is complete.

Table 1. Herbicide Buffer Distances from Terrestrial Special Status Plant Species ¹

Active Ingredient	Buffer Width	Method(s) to Which Applied
2,4-D	0.5 mile	All
Bromacil	1,200 feet	All
Chlorsulfuron	1,200 feet	Ground
	1,500 feet	Aerial
Clopyralid	900 feet	Ground, typical rate
	0.5 mile	Ground, maximum rate; aerial
Dicamba	1,050 feet	Ground
Diflufenzopyr	100 feet	Low boom, typical rate
	500 feet	Low boom, maximum rate; high boom
	900 feet	Aerial
Diquat	900 feet	Ground, typical rate
	1,000 feet	Ground, maximum rate
	1,200 feet	Aerial
Diuron	1,100 feet	All
Fluridone	0.5 mile	All
Glyphosate	50 feet	Ground, typical rate
	300 feet	Ground, maximum rate; aerial
Hexazinone	300 feet	Ground, typical rate
	900 feet	Ground, maximum rate
Imazapic	25 feet	Ground, typical or maximum rates
	300 feet	Aerial, typical rate
	900 feet	Aerial, maximum rate
Imazapyr	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate

Table 1. Herbicide Buffer Distances from Terrestrial Special Status Plant Species ¹

Active Ingredient	Buffer Width	Method(s) to Which Applied
Metsulfuron Methyl	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate
Overdrive®	100 feet	Low boom, typical rate
	900 feet	Low boom, maximum rate; high boom
Picloram	0.5 mile	All
Sulfometuron Methyl	1,500 feet	All
Tebuthiuron	25 feet	Low boom, typical rate
	50 feet	Low boom, maximum rate; high boom, typical rate
	900 feet	High boom, maximum rate
Triclopyr	300 feet	Ground, typical rate
	500 feet	Aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate

¹ Source: BLM 2007a (Vegetation Treatments Using Herbicides on BLM lands in 17 Western States Programmatic EIS)

- d. Ensure that all hay, straw, and seed used for reclamation is certified free of noxious weeds.
- e. Treat weeds using BLM-approved methods along the right-of-way if weeds are detected. For weed treatments on BLM lands, Pesticide Use Proposals (PUPs) will be completed and approved by the WRFO. Pesticide Application Records (PARs) will be submitted to WRFO by October 31 every year weed treatments occur.
- f. If non-native or invasive species are found, RBC will be required to treat the infestations using the *White River Field Office Integrated Weed Management Plan* (IWMP) (DOI-BLM-CO-110-2010-0005-EA) as a compliance guideline. The individual plants and/or larger infestations will be recorded on a GPS unit to notify the BLM in addition to flagging, as stated in the IWMP.
 - i. Manual weed control will be the only treatment method used when weeds are within 50 meters of occupied or historically occupied twinpod populations.
 - ii. Small infestations will be controlled manually within 50 meters of occupied twinpod populations, when possible. Glyphosate and Imazapic can be used as spot treatment outside of 50 meters. No spraying of weeds will occur outside of the project area, on, or near occupied habitat.
 - iii. Weed spraying will not be permitted if winds speeds exceed 5 mph.
 - iv. Appropriate adjuvants, such as non-ionic surfactants or methylated seed oil (MSO), will be used with each herbicide.
 - v. Indicator dyes will be used with all herbicide.
 - vi. RBC must control weeds within the Stock Pass 17 project area after obtaining a Pesticide Use Proposal (PUP) and Certified Pesticide Applicator (CA). The CA, as directed by Rio Blanco County, must comply with the herbicide buffers in Table 7 of the IWMP, at the lowest rate needed, and always with an indicator dye, and appropriate spray adjuvant.

- vii. The weed technicians working under the CA license must be able to correctly identify bladderpod and twinpod plants when they are implementing their control measures. The RBC Weed Department will ensure the weed technicians are trained in identification of the twinpod and bladderpod.
- viii. Technicians will control weeds species before they flower and set seed.
- g. RBC must monitor the infestations within a month after herbicide treatments in case a second treatment is warranted within the same growing season. RBC must also track adjacent twinpod populations within a month of herbicide application to detect any potential adverse effects.
- h. If twinpod individuals are inadvertently sprayed, location information and number of individual plants affected will be recorded and communicated to the BLM Ecologist immediately. A cease and desist order will be issued and acceptable mitigation will be negotiated between FWS, BLM, and RBC.
- i. Visual monitoring of both infestations and adjacent twinpod plants will take place to determine spraying success and spraying accuracy.
- j. BLM will establish a photo point near the occupied habitat and monitor annual weeds in the vicinity of the twinpod plants annually. After 5 years, if the photo point shows a decrease in annual weeds by 50%, monitoring of the photo point will take place every other year. Infestations of annual weeds resulting from the replacement of Stock pass 17 will be treated by the RBC Weed Department as described above. Infestations of noxious/invasive weeds resulting from another activity or action will be addressed by BLM

Compliance with Laws & Conformance with the Land Use Plan

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

Public Involvement

This project was posted on the WRFO's on-line National Environmental Policy Act (NEPA) register on 5/18/2015. No comments or inquiries have been received.

Rationale

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E19: *Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.* This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.


Monitoring and Compliance

On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The holder will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

Administrative Remedies

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

Signature of Authorized Official


ACTING Field Manager


Date